

## REMARKS/ARGUMENTS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Reconsideration of the Claims is respectfully requested.

Claims 1, 9, 12, 13, 14, and 18 are amended to insert definitions for the acronyms GPRS, GGSN, QoS, and RADIUS to overcome the claim rejections to claims 1,2, 9-11, 12-14, and 18-20 under 35 U.S.C. 112 for being unclear. Claims 2, 10-11, and 19-20 are not amended because their rejections were a result of a base claim or intervening claim upon which they depended being rejected. Thus, the amended claims are believed to render claims 2, 10-11, and 19-20 acceptable. Support for the definitions of the acronyms GPRS and GGSN are found in the specification at pages 1 and 5. QoS and RADIUS are not specifically defined within the specification but are well known acronyms. For example, both of these terms are found in the cited art as well as in most if not all editions of Newton's Telecom Dictionary.

Regarding the claim rejections, the applicants note that independent claims 1, 12 and 15 are amended to more clearly claim the invention. The inventors have realized that the external application servers make quality of service determinations based upon the service level agreements with users but do not account for network conditions in the high speed wireless data packet networks, such as GPRS/UMTS networks. Accordingly, the application servers may waste resources by attempting to provide a quality of service that cannot be supported by the GPRS/UMTS networks. The disclosed invention relates to the problem of application servers being unaware of wireless communication link conditions and providing a method and apparatus to enable an application server to request a quality of service based not only on service level agreements, but also upon wireless communication link conditions. Thus, the independent claims are amended to clearly specify the relevant aspects that correspond to the specific problem. For example, claim 1 is amended to require the GGSN to pass network performance parameters

relating to the wireless data packet network to the application server. Claim 12 is similarly amended. Claim 15 is amended to require a wireless network performance characteristic to be transmitted to an external application server.

These amendments are not believed to be necessary to overcome the rejection because the cited art does not address the problem addressed in the present application and therefore does not suggest the disclosed solution and claimed invention. Further, the primary reference to Veres et al. is not believed to be relevant art as Veres et al. do not concern themselves with wireless networks or the problem of an application server requested a quality of service that is less than a subscribed quality of service because of wireless network conditions. As is known by one of average skill in the art, wireless networks experience many types of interference and bandwidth limitations that render throughput rates much more indefinite. As such, there exists a substantial likelihood that a subscribed quality of service cannot be accommodated for a duration. Similarly, the reference to Forslow that the Examiner suggested be reviewed by the applicant addresses wireless quality of service but does not address the specific problem of passing wireless communication link performance characteristics to an application server in a wired network to enable the application server to select a quality of service that is lower than a subscribed quality of service.

Because the applicant believes that the independent claims as amended and even as originally filed are allowable over the cited art for the reasons discussed above, the applicant believes that each of the dependent claims are also allowable and the rejections therefor are moot and do not required being addressed. The applicant would like, however, to respectfully disagree with the rejection to claim 6 in which the official action takes notice that "monitoring jitter is well known in the art to complete knowledge of network performance". A suggestion must be made in the art to monitor jitter in the environment of the claimed invention for the rejection to stand. Specifically, no art teaches monitoring jitter in a wireless network and passing such information to an application server within a wired network as claim 1 requires in conjunction with claim 6.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [jharrison@texaspatents.com](mailto:jharrison@texaspatents.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Docket No. 14587RRUS02U).

Respectfully submitted,

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